IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 364 of 1985

For Approval and Signature:
HON'BLE MISS JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHAGWANDAS SOMNATH NAI - Applicant(s)

Versus

GOMTI W/D BHADANA DUNICHAND & 1 - Opponent(s)

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Appearance :
NOTICE UNSERVED for Petitioner
Respondent No. 1 :: DELETED
Respondent No. 2 :: UNSERVED

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CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT
Date : 20/07/2005

ORAL JUDGMENT

Since the elevation of the learned advocate appearing for the petitioner to the Bench of this Court, intimation sent to the petitioner had remained unserved. A fresh notice was ordered to be issued on 30th June, 2005. Pursuant to the said order, the concerned Bailiff has made

report on 16th July, 2005 that the petitioner has not been in occupation of the suit shop.

The petitioner-defendant has preferred the present Revision Application under Section 29 (2) of the Bombay Rents, Hotel & Lodging House Rates Control Act, 1947 against the decree for eviction and for recovery of arrears of rent passed by the learned Assistant Judge, Ahmedabad Rural on 16th January, 1985 in Regular Civil Appeal No. 5 of 1983.

As the petitioner is no longer in possession of the suit shop, the cause of action shall not survive. Revision Application is accordingly disposed of. Rule is discharged. Interim relief stands vacated. There shall be no order as to cost.

{Miss R.M Doshit, J.}

*Prakash**